

BRADFORD GREEN, BUILDING 8
755 MAIN STREET
MONROE, CONNECTICUT 06468

PATENTS, TRADEMARKS, COPYRIGHTS

TELEPHONE: (203)459-0200
FACSIMILE: (203)459-0201

In re Application of: **T. Grupp, et al.**
Application No.: **10/765,724**
Filed: **January 26, 2004**
For: **MEDICAL IMPLANT SYSTEM**

MAIL STOP AMENDMENT

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Art Unit: 3737
Examiner: Shawna J. Shaw

Sir:

Transmitted herewith is:

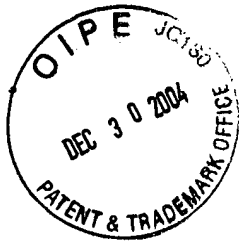
- [X] Response to Election Requirement - 2 pages;
[X] Return receipt postage prepaid postcard;
[X] I certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first-class mail in an envelope addressed to: **Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450** on December 28, 2004.

The Commissioner is hereby authorized to charge any deficiency in the payment of the required fee(s) or credit any overpayment to Deposit Account No. 50-0625.

Very truly yours,

Barry R. Lipsitz
Attorney for Applicant(s)
Registration No. 28,637
Law Office of Barry R. Lipsitz
755 Main Street, Bldg. 8
Monroe, Connecticut 06468
(203) 459-0200

Attorney Docket No.: **HOE-795**



PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:)
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Alexandria, Virginia 22313-1450

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as First Class Mail, postage prepaid, in an envelope addressed to Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on December 28, 2004.

By: Carol Prentice

Carol Prentice

**RESPONSE TO
ELECTION REQUIREMENT**

Dear Sir:

This communication is responsive to the Office Action mailed on December 15, 2004 in the above-identified U.S. patent application.

An election of species has been required with respect to (A) the species of Figure 5, or (B) the species of Figure 6, or (C) the species of Figure 7, or (D) the species of Figures 8 and 9, or (E) the species of Figure 10.

In response, Applicants elect species (A), as shown in Figure 5.

Claims 1-6 and 14-25 are believed to read on the elected species.

It is understood that upon the allowance of a generic claim, Applicants will be entitled to consideration of claims to additional species which are written in dependent form or otherwise include all the limitations of an allowed generic claim. Currently, claim 1 is generic.

Examination and allowance of this application is respectfully requested.

Respectfully submitted,



Barry R. Lipsitz
Attorney for Applicant
Registration No.: 28,637
755 Main Street
Monroe, CT 06468
(203) 459-0200

ATTORNEY DOCKET NO.: HOE-795
DATE: December 28, 2004